

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

Oct 06, 2020

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

BRETT WYATT NEAL,

Plaintiff,

v.

JAY INSLEE, STATE OF  
WASHINGTON, COUNTY OF  
YAKIMA, DISTRICT  
ATTORNEY'S OFFICE and JOSEPH  
BRUSIE,

Defendants.

NO: 1:20-CV-3120-RMP

ORDER DISMISSING ACTION FOR  
FAILURE TO COMPLY WITH  
FILING FEE REQUIREMENTS

By Order filed September 11, 2020, the Court directed Plaintiff to submit a certified copy of his six-month inmate trust account statement (or institutional equivalent) for the period immediately preceding August 20, 2020, within 21 days of the date of that Order. ECF No. 5. In the alternative, Plaintiff was advised he could pay the full \$400.00 filing fee. *Id.* Plaintiff was cautioned that his failure to do so would result in the dismissal of this case. *Id.* Plaintiff has neither paid the filing fee nor submitted his six-month inmate trust account statement (or institutional

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1 equivalent) by the due date of October 2, 2020.

2 Parties filing actions in the United States District Court are required to pay  
3 filing fees. 28 U.S.C. § 1914(a). An action may proceed without the immediate  
4 payment of a filing fee only upon granting of *in forma pauperis* status. *See* 28  
5 U.S.C. § 1915. Failure to pay the statutory filing fee will result in dismissal of  
6 these actions without prejudice. *See Olivares v. Marshall*, 59 F.3d 109, 112 (9th  
7 Cir. 1995) (district court has authority to dismiss without prejudice prisoner  
8 complaint for failure to pay partial filing fee); *In re Perroton*, 958 F.2d 889, 890  
9 (9th Cir. 1992) (affirming dismissal of appeal of pro se litigant for failure to pay  
10 required filing fees).

11 Accordingly, **IT IS ORDERED** that this action is **DISMISSED**  
12 **WITHOUT PREJUDICE** for failing to pay the filing fee under 28 U.S.C. §  
13 1914(a) or comply with 28 U.S.C. § 1915(a).

14 **IT IS SO ORDERED.** The District Court Clerk is directed to enter this  
15 Order, enter judgment, forward copies to Plaintiff at the address provided, and  
16 **close the file** in this case.

17 **DATED** October 6, 2020.

18 s/ Rosanna Malouf Peterson  
19 ROSANNA MALOUF PETERSON  
20 United States District Judge  
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